

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Gordon MacRae,  
Petitioner

v.

Docket No.: 1:14-cv-45-JL

Warden, New Hampshire State Prison.  
Respondent

**RESPONDENT'S ASSENTED-TO MOTION TO EXTEND TIME  
TO RESPOND TO THE PETITIONER'S OBJECTION  
(DOCUMENT 14)**

The respondent asks this Court for an additional week in which to file its response to the petitioner's objection, Doc. 14, to the respondent's motion to dismiss, Doc. 11.

The respondent apologizes to this Court for being unable to meet this deadline, but notes the following for the record:

1. Since July 3, 2014, the undersigned lawyer has filed six motions for summary judgment in the United States District Court for the District of New Hampshire. The motions were filed in *Farley v. Warden*, Docket No. 1:13-cv-00467-JL (on July 3, 2014); *Dilboy v. Warden*, Docket No. 13-cv-00465-LM (on July 11, 2014); *Saunders v. Warden*, Docket No.: 1:14-cv-00016-PB (on July 13, 2014); *Walker v. Warden*, Docket No. 1:12-cv-00099-PB (on July 21, 2014); *Legere v. Warden*, Docket No. 1:10-cv-00013-PB (July 25, 2014); and *Oakes v. Warden*, Docket No. 1:12-cv-00298-LM (August 7, 2014).

2. In addition, the undersigned lawyer has filed three motions to dismiss in the United States District Court for the District of New Hampshire. On July 22, 2014, the undersigned filed a motion to dismiss in *Kerner v. Warden*, Docket No.: 1:13-cv-00132-SM. On July 30, the respondent filed a motion to dismiss in *MacRae v. Warden*, Docket No. 1:14-cv-

45-JL. And on July 31, 2014, the undersigned filed a motion to dismiss in *Carvell v. Warden*, Docket No. 1:14-cv-0005-PB. On August 20, 2014, the undersigned filed an objection to a motion for a certificate of appealability in *Roldan v. Warden*, Docket No.: 1: 13-cv-00447-PB.

3. On August 26, 2014, the undersigned lawyer filed a brief with the New Hampshire Supreme Court in *State v. Clough*, Docket No. 2013-0399. On September 4, 2014, the undersigned lawyer will file a brief with the New Hampshire Supreme Court in *State v. Breest*, Docket No. 2013-0813.

4. In addition to these pleadings, the undersigned lawyer has had to prepare for depositions and court appearances in five other cases. On the afternoon of July 8, 2014, the undersigned attended a deposition in *Addison v. Warden*, Hillsborough Superior Court (Northern District), Docket No. 217-2012-cv-127.

5. On the morning of July 9, 2014, the undersigned had oral arguments before this Court in *State v. Dearborn*, Docket No. 2013-0437, and *State v. Griffin*, Docket No. 2013-0195. On the afternoon of July 9, 2013, the undersigned attended two depositions in *Furgal v. Warden*, Merrimack County Superior Court Docket No. 217-2013-0677.

6. On the morning of July 11, 2014, the undersigned attended a hearing in *Sprague v. Warden*, Merrimack County Superior Court Docket No. 217-2014-00254. On August 11, 2014, the undersigned filed a motion for summary judgment in the *Sprague* case.

7. In sum, the undersigned lawyer has filed six motions for summary judgment and five motions to dismiss in this court, one brief and another to be filed in the New Hampshire Supreme Court, and one motion for summary judgment in the superior court in 63 days. To put it another way, the undersigned has filed a major pleading once every four days (including weekends and holidays) since July 3, 2014. In that same time frame, the undersigned lawyer has

had major responsibilities in an additional five cases, for a total of 19 different cases. Because this case is no less complex than the others which are assigned to the undersigned lawyer, it requires the time to concentrate on it. An additional week should provide that opportunity.

WHEREFORE, the respondent respectfully requests an extension of time until September 8, 2014, in which to respond to the petitioner's objection.

Respectfully Submitted,

Warden, New Hampshire State Prison, Respondent.

By his attorneys,

Michael A. Delaney  
Attorney General

/s/ Elizabeth C. Woodcock  
Elizabeth C. Woodcock  
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September 2, 2014

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have served the petitioner, who is represented by

Robert Rosenthal, Esq.  
Cathy J. Green, Esq.

through this Court's electronic filing system.

/s/ Elizabeth C. Woodcock  
Elizabeth C. Woodcock